

Minutes of the Board of Adjustment meeting held on Monday, December 9, 2013, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Travis Nay, Chair
Tom Halliday, Vice-Chair
Preston Olsen
Rosi Haidenthaller
Chad Wilkinson, Community Development Manager
G.L. Critchfield, Deputy City Attorney
Citizens

Excused: Roger Ishino

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Travis Nay explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

APPROVAL OF MINUTES

Ms. Haidenthaller made a motion to approve the minutes from November 18, 2013 as submitted. Mr. Halliday seconded the motion.

A voice vote was made. The motion passed, 4-0.

CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

CASE #1480 – A T & T WIRELESS – 20 East Winchester Street – Project #13-191

Rachel Fenton for NSA Wireless representing A T & T was the applicant present to represent this request. Chad Wilkinson reviewed the location and request for a pole height and antenna expansion on the existing nonconforming use for a communications facility located at 20 East Winchester Street. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicant is requesting Board of Adjustment approval for expansion of the pole height and antennas from 62 feet high to 70 feet maximum height. The current Murray City code does not permit a communications pole and/or antennas to exceed 60 feet high in the R-1-8 zone, except with Board of Adjustment approval for expansion of a nonconforming use. The existing communications pole and antennas were approved by the Planning Commission on May 18, 1995, before the communications ordinance was adopted in June, 1996. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion of a nonconforming use. Therefore, staff recommends approval with the condition that the applicant obtains all the necessary building permits prior to construction. Rachel Fenton, 2010 Crow Canyon Place Suite 355 San Ramon, CA, stated she is representing A T & T for this project. Mr. Nay asked Ms. Fenton if she has reviewed the

staff report. Ms. Fenton responded that she had not read the staff report. Mr. Nay stated that staff is recommending approval and asked Ms. Fenton if she has any problems meeting the condition of obtaining the necessary building permits prior to construction. Ms. Fenton responded that she expected this and does not have problems meeting this requirement.

Mr. Halliday asked Ms. Fenton if the pole itself is going to be raised, or is it just the new elements be 6 feet taller. Ms. Fenton responded that the pole will be extended by a total of 8 feet to accommodate A T & T antennas. She explained that this will be the bare minimum and is the smallest extension that will work for this area. Ms. Fenton stated that she is unsure if a new pole will be put in to replace the old pole or if there will just be an extension on the old pole. Mr. Halliday clarified that the elements on top of the pole will not exceed 70 feet. Ms. Fenton answered in the affirmative.

Mr. Nay opened the meeting for public comment.

Shirley Sharp, stated she is the owner of the property in question. Ms. Sharp stated that this property is on a dead end and that she is happy to lease it out. This property is triangular shape and she understands that this property provides wireless access to the belt route and the surrounding streets.

Mr. Halliday asked staff if an additional building is going to be put on this site or are the buildings on this site large enough to handle all the equipment. Ms. Fenton responded that A T & T is not proposing to expand any of the existing lease space and are proposing to do outdoor equipment so that no expansion would be required.

Mr. Halliday asked staff if the applicant is required to pour a new pad to place the equipment. Ms. Fenton stated that A T & T is proposing a small grated platform, so she is assuming that a small concrete pad will be poured. Ms. Fenton stated that the area where A T & T is proposing to have their equipment cabinets is a very small area.

Mr. Nay asked Ms. Fenton if the equipment would all be contained in the area that is currently fenced. Ms. Fenton responded in the affirmative.

The public comment portion of the meeting was closed.

Mr. Halliday made a motion to approve Case #1480, for A T & T Wireless, based upon staff's recommendations that a building permit shall be obtained prior to construction. Ms. Haidenthaller seconded the motion.

Call vote recorded by Chad Wilkinson.

A _____ Preston Olsen
A _____ Rosi Haidenthaller
A _____ Tom Halliday
A _____ Travis Nay

Motion passed, 4-0.

Board of Adjustment Meeting

December 9, 2013

Page 3

Mr. Nay called for a motion for the Findings of Fact.

Ms. Haidenthaller made a motion to approve the Findings of Fact as written. Mr. Olsen seconded the motion.

A voice vote was made. The motion passed, 4-0.

Meeting adjourned.

Chad Wilkinson, Manager
Community & Economic Development